

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, et al.,	*	
	*	
Plaintiffs,	*	CIVIL ACTION NO.
	*	1:17-CV-2989-AT
	*	
v.	*	
	*	
BRAD RAFFENSPERGER, et al.,	*	
	*	
Defendants	*	
	*	

**OBJECTION OF NON-PARTY JOSEPH KIRK, BARTOW COUNTY  
ELECTIONS SUPERVISOR, TO SUBPOENA TO PRODUCE  
DOCUMENTS FROM COALITION FOR GOOD GOVERNANCE**

COMES NOW JOSEPH KIRK, in his official capacity as the Bartow  
County, Georgia Elections Supervisor, by and through the undersigned counsel,  
and makes this his objection to Plaintiff COALITION FOR GOOD  
GOVERNANCE's Subpoena to Produce Documents, Information, or Objects or to  
Permit Inspection of Premises in a Civil Action by showing and stating as follows:

1.

On June 28, 2019, undersigned counsel for Non-party JOSEPH KIRK  
(hereinafter "KIRK") accepted service on the client's behalf of the Subpoena to  
Testify at a Deposition in a Civil Action in the above-styled case, a copy of which

is attached hereto as Exhibit A. In addition to testimony, the subpoena requests production of 19 enumerated categories of documents.

2.

Non-party KIRK intends to comply with the requests set forth in the subpoena except as otherwise noted hereafter.

3.

Non-party KIRK objects to items 1, 2, and 19 of the subpoena which seek production of the following:

1. Electronic copy of the final post-election GEMS database for the December 4, 2018 runoff election.
2. Electronic copy of the initial preliminary GEMS database transmitted to Bartow County for the November 6, 2018 election, including but not limited to any and all documents relating to the transmission and receipt of the preliminary GEMS database.
19. A disc image of the CD-ROM provided by Secretary of State to Bartow County containing the GEMS database for the November 6, 2018 election.

The authority for this objection is O.C.G.A. § 21-2-379.24(g) which states:

Documents or information that, if made public, would endanger the security of any voting system used or being considered for use in this state, or any component thereof, including, but not limited to, electronic ballot markers, DREs, ballot scanners, pollbooks, and software or databases used for voter registration, shall not be open for public inspection except upon order of a court of competent jurisdiction.

See also O.C.G.A. § 21-2-500(a) (stating that such election records held by the superior court clerk are to be held under seal for 24 months).

4.

As to items 4, 6, 7, and 14, Non-party Kirk has no responsive documents.

5.

As to item 16, Non-party KIRK objects thereto to the extent such production seeks any information protected pursuant to O.C.G.A. § 21-2-379.24(g).

Respectfully submitted, this 10th day of July 2019.

Respectfully submitted,

**J. Jayson Phillips**

Georgia Bar No. 576305

Attorney for Non-party Joseph Kirk

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